

Regular Session, 2012

SENATE BILL NO. 199

BY SENATOR KOSTELKA

CRIME/PUNISHMENT. Creates the crime of illegal transmission of monetary funds. (gov sig)

AN ACT

To enact R.S. 14:70.8, relative to crimes involving theft and fraud; to create the crime of illegal transmission of monetary funds; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:70.8 is hereby enacted to read as follows:

**§70.8. Illegal transmission of monetary funds**

**A. Whoever with intent to defraud either transmits, causes to be transmitted, or receives a transmission, by wire or radio signal, any stolen or fraudulently obtained monetary funds shall be imprisoned, with or without hard labor, for not more than ten years, or fined not more than one hundred thousand dollars, or both.**

**B. In addition to the penalties provided for in Subsection A of this Section, a person convicted under the provisions of this Section shall be ordered to make full restitution to the victim and to any other person who has suffered a financial loss as a result of the offense. If a person ordered to make restitution according to this Subsection is found to be indigent and therefore unable to**

1        **make restitution in full at the time of conviction, then the court shall order a**  
2        **periodic payment plan consistent with the person's financial ability.**

3        Section 2. This Act shall become effective upon signature by the governor or, if not  
4        signed by the governor, upon expiration of the time for bills to become law without signature  
5        by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6        vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7        effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement, Jr.

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#### DIGEST

Proposed law creates the crime of illegal transmission of monetary funds, which is defined as transmitting, causing to be transmitted, or receiving a transmission, with the intent to defraud, by wire or radio signal, any stolen or fraudulently obtained monetary funds.

Proposed law provides that whoever is convicted of the crime of illegal transmission of monetary funds is to be imprisoned, with or without hard labor, for not more than 10 years, or fined not more than \$100,000, or both.

Proposed law provides that, in addition to the penalties provided for the penalties of imprisonment and fine provided for in proposed law, a person convicted of illegal transmission of monetary funds is to be ordered to make full restitution to the victim and to any other person who has suffered a financial loss as a result of the offense. Proposed law further provides that if the person ordered to make restitution is found to be indigent and therefore unable to make restitution in full at the time of conviction, then the court is to order a periodic payment plan consistent with the person's financial ability.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:70.8)